



A G E N D A

**General Plan/LCP Implementation Committee
November 5, 2008
3:30 p.m.
City Council Chambers**

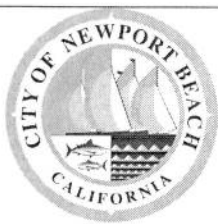
1. Approve Action Minutes from October 29, 2008
Attachment No. 1 3:30-3:35pm
2. Draft Zoning Code Review
 - Review No. 9 – Alcohol Sales/Eating and Drinking Establishments

Attachment No. 2 3:35-6:45pm
3. Items for Future Agenda 6:45- 6:55pm
4. Public Comments on non-agenda items 6:55-7:00pm
5. Adjourn to November 19, 2008

Attachments:

1. Draft Action Minutes for October 29, 2008
2. Draft Code Review No. 9 – Alcohol Sales/Eating and Drinking Establishments

Attachment No. 1



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

DRAFT ACTION MINUTES

Action Minutes of the General Plan/LCP Implementation Committee held at the City Council Chambers, City of Newport Beach, on **Wednesday, October 29, 2008**

Members Present:

X	Ed Selich, Mayor, Chairman
X	Leslie Daigle, Mayor Pro Tem
X	Don Webb, Council Member
X	Barry Eaton, Planning Commissioner
X	Robert Hawkins, Planning Commissioner
X	Michael Toerge, Planning Commissioner

Advisory Group Members Present:

X	Mark Cross
	Larry Frapwell
	William Guidero
X	Ian Harrison
X	Brion Jeannette
	Don Krotee
X	Todd Schooler
	Kevin Weeda
	Dennis Wood

Staff Representatives:

	Sharon Wood, Assistant City Manager
	David Lepo, Planning Director
	Robin Clauson, City Attorney
X	James Campbell, Senior Planner
X	Gregg Ramirez, Senior Planner
X	Melinda Whelan, Assistant Planner

E = Excused Absence

Committee Actions

1. **Agenda Item No. 1** – Approval of minutes of October 22, 2008.

Action: Committee approved draft minutes.

Vote: Consensus

2. Agenda Item No. 2 - Zoning Code Re-write

▪ Review of Part 4 Standards for Specific Land Uses and Nonconforming Uses and Structures

Action: The Committee reviewed comments prepared by Committee members Eaton and Hawkins regarding standards for specific land uses and nonconforming uses and structures of the draft code. The Committee and Advisory Members discussed and directed staff to:

- re-look and possibly revise Section 20.60.020 subsection C.1. and C.2. pg. 4-4 – use uniform number for distance for C.1 and C.2. and check with City Attorney regarding the rationale used for the location restrictions
- revise Section 20.60.080 subsection A.3.a and A.3.b. pg. 4-13 – revise language so requirement is more general so there are not specific distance requirements
- revise Section 20.60.100 E.3.a. pg. 4-19 – change 800 feet to 1,000 feet
- revise Emergency Shelter definition – delete e.g. list
- revise use tables so that Emergency Shelters are only permitted by right within the PI district
- re-look at and clarify Section 20.60.130 subsection C.1. pg. 4-22
- re-look at Section 20.60.130 subsection D. pg. 4-23 and discuss further with Committee on whether residential noise standards should apply to non-residential mixed-use projects
- revise and look into Section 20.60.130 subsection F. pg 4-23 – replace “tenant” with “resident” – need to clarify that notification needs to be archived in some type of public record (e.g. recorded document, CCR’s)
- revise Section 20.60.170 subsection B.1. pg.4-28 – change 100 feet to 300 feet
- re-look at Section 20.60.150 pg. 4-25 and staff will re-organize accordingly
- delete Section 20.60.140 pg. 4-23 (Oil and Gas Facilities)
- re-look at Section 20.50.020 and staff will revise accordingly to address the properties that will become non-conforming due to policy changes in the new Zoning Code
- revise Section 20.50.060 subsection B.3 – limit amount of addition
- Advisory member Brion Jeannette expressed concern with plan check staff interpretation of non-conforming chapter – staff will work with Brion Jeannette to clarify and address concerns

The public provided comments to the Committee and staff regarding:

- concern with buffer/screening between residential and non-residential within a mixed use project – clarification provided by staff that buffer/screening requirement intended between different zones not different uses
- concern that applying residential noise standards to non-residential or mixed use districts will cause problems because commercial uses within mixed use districts can not meet the noise standards for residential uses therefore defeating the mixed use district
- coastal map and Sections 20.38 and 20.40 status – staff will send out e-mail alert prior to these being put on the GP/LCP Committee agenda
- will residents be notified about becoming non-conforming due to policy changes for bluff/canyon setbacks – staff is confident that revised policy will not create the amount of non-conforming properties that was first perceived with the previous policy, staff will provide updates on this matter
- non-conforming chapter needs to provide mechanism for properties that will become non-conforming due to policy changes of the updated Zoning Code – public input will be provided via e-mail to staff consisting of a list of major policy changes that will result in substantial non-conforming properties

Vote: Consensus

3. Agenda Item No. 3 – Items for future agenda

Action: None

Vote: None

4. Agenda Item No. 4 – Public Comments on non-agenda items

None

Meeting Adjourned 5:45 p.m.

Attachment No. 2

Draft Code Review Topic No. 9

Alcohol Sales/Eating and Drinking Establishments

Chapters/Sections to be discussed at meeting: Alcohol Sales – Off Sale and Eating and Drinking Establishments found in Parts 2 and 4 of the draft code.

Noteworthy Items:

- Off-sale alcohol regulations have their own set of regulations.
- The on-sale regulations are now in the same section as the other eating and drinking regulations instead of being in a separate chapter.
- Revised eating and drinking categories are based on type of establishment, whether or not alcohol is proposed, hours of operation and proximity to residential districts. The categories in the existing code were primarily based on trip generation.
- Proposed “late hours” are defined as past 10:00PM Sunday-Thursday and past 11:00PM Friday and Saturday
- The Police Department has reviewed these regulations and support the changes.

Alcohol Sales – Off Sale – Section 20.60.030

- Existing Code: Section 20.89
- Draft Code: Sections 20.60.030 pg. 4-4, definitions pg. 7-6
Noteworthy changes:
 - Alcohol Sales, Off Sale: will require the approval of an MUP not a CUP. (See use tables on pgs. 2-17, 2-20, 2-29, 2-32)
 - Alcohol sales, Off Sale Accessory Only: Proposed to be permitted by right. (See definition pg. 7-6)
 - Section 20.60.030.C.3. pg. 4-6 through 4-7, staff recommends changing the word “shall” to “may” (5th line).

Eating and Drinking Establishments (Including alcohol sales and bars/nightclubs/lounges)– Section 20.60.090

1. Land Use Definitions
Existing Code: pg 20.05-7
Draft Code: pg. 7-21

2. Required Permits/Review Authority
 - Existing Code: Sections 20.15.020, 20.20.020, 20.25.020, 20.30.020
 - Draft Code: Section 20.20.020 pgs. 2-18, 2-21, 2-30, 2-33, 20.24.020 pg. 2-42. Section 20.26.020, pg. 2-49. Revised eating and drinking categories are based on type of establishment, whether or not alcohol is proposed, hours of operation and proximity to residential districts. The categories in the existing code were primarily based on trip generation, "late hours" are defined as past 10:00PM Sunday-Thursday and past 11:00PM Friday and Saturday
3. Development and Use Standards
 - Existing Code: Sections 20.82, 20.89 (ABO)
 - New Code: Sections 20.60.090 pg. 4-14 – New regulations include provisions for outdoor conduct (e.g. queuing and smoking areas) and revocation findings specific to eating and drinking establishments.
4. Outdoor Dining
 - Existing Code: 20.82.050
 - New Code: Section 20.60.90 subsection D. pg. 4-16 – the Outdoor Dining Permit has been eliminated. Outdoor dining would be subject the same permit as the establishment or, if a use is permitted by right, approval of a MUP would be required.
5. Parking
 - Existing Code: Ch. 20.66.070
 - New Code: Section 20.52.040 Table 3-11 pg. 3-119 – majority carried over, new requirement for Food Service. Staff continues to search for an equitable parking requirement based on gross floor area. The existing code uses a range for net public area which is often confusing to calculate and administer.

Responses to Barry Eaton's October 31st E-mail

143) Footnote 10 to Table 2-4 (page 2-19) states the proposed late hours, as noted in the staff report, which is after 10:00 PM on weekdays, and 11:00 PM on Fridays and Saturdays. But the definition of "Late Hour Operations", which, ironically is in the "E" definitions section (page 7-23) of Part 7 of the Definitions, specifies that late hour operations is after 11:00 PM on all days of the week. Is this not a conflict? If, so, which applies? **Staff recommends 11:00pm 7 days a week.**

Chapter 20.22 - Mixed Use Zoning Districts

144) Table 2-10 (page 2-33) permits both Fast Food with no late hours, and Accessory Outdoor Dining, by right in the MU-W1MM and MU-W2 Mixed Use Districts, but both appear to require a MUP in all the other Mixed Use Districts, in Table 2-9 (on page 2-30). Why? Was this intentional? **Outdoor dining as a separate use needs to be come out. Fast Food should require a MUP.**

145) Footnote 4) of Table 2-9 (page 2-31) and footnote 3) of Table 2-10 (page 2-34) have the same conflict with the definition on Page 7-23, as raised in question 143) above. Which is correct? **See answer to 143.**

Part 3 - Site Planning and Development Standards

Chapter 20.52 - Off Street Parking and Loading Standards

146) See questions 116), 117), 118) and 119) of my Oct. 18th email on Non Residential Standards. In particular, my previous question 118) (relating to Table 3-11, on page 3-119 of the proposed Code) inquired why you were recommending the wholesale change in the parking requirements for those types of Eating Establishments that you are now proposing to redefine as "Food Service" (which appears to be most of them), and whether and to what extent you had researched the proposed new standard (to be applied to the gross square footage, as opposed to the current standard, which is applied to a net dining area). I am curious as to whether you think you have found the right number, how many other agencies use a gross square footage for this requirement, and how many of the hundreds of existing food service establishments in NB will be made non conforming by this new requirement. I think this is definitely a policy question for the whole committee to discuss.

Part 4 - Standards for Specific Land Uses

Chapter 20.60 - Standards for Specific Land Uses

Section 20.60.030 - Alcohol Sales - Off-Sale (pages 4-4 through 4-7)

147) Many of the sub-sections in this section appear to duplicate those of Section 20.60.090 - Eating and Drinking Establishments (pages 4-14 through 4-18). Why was it necessary to have so many pages of duplicate regulations? **Staff agrees that duplication typically isn't good but, believes it is needed in this instance for clarity.**

Section 20.60.090 - Eating and Drinking Establishments

148) Section 20.60.090.E. (page 4-16) requires adequate soundproofing for bars, nightclubs and lounges. Does this not apply to Restaurants that may have ABC licenses, dancing, and an Entertainment Permit? If not, why not? **Depends on the location, design and hours. Noise and affects on the surrounding neighborhood are always addressed in the Conditional and Minor Use Permit process.**

Part 7 - Definitions

Chapter 20.86 - Definitions

149) There are almost 3 pages, containing at least 9 sub-definitions, that don't begin with "E", listed under "Eating and Drinking Establishments (pages 7-21 through 7-23) in the "E" section of the definitions. Shouldn't there be at least a reference in the other definitions sections to these definitions, if they are not going to be listed under their individual beginning letter? **Yes, we can a reference. The definitions you identify are all sub-definitions within the Eating and Drinking Establishments definition therefore identified by the head-definition of "E".**

150) An example of one of those non "E" letter definitions that are contained in the E sections "Late Hour Operations" (page 7-23) which appears to conflict with the footnotes on Tables 2-4, 2-9 and 2-10 (pages 2-19, 2-31 and 2-34, respectively). See questions 143) and 145) above. **See answer to 143.**

For reference from October 20th e-mail for October 22nd GP/LCP for question 146

116) Further down in the same table (page 3-119) it requires one space for 3 seats in the accessory eating establishment category, but one space for 4 seats in the Bars & Lounges category. Why the difference? Wouldn't the actual need be greater for bars? **The requirement for Bars and Lounges is one space for every 4 persons based on occupancy, not seats. The result will be a greater parking requirement than if based on seats.**

117) In the same requirement for accessory eating, this table equates 3 seats with 75 sq. ft. of net public area. Isn't this a substantially different equation than is spelled out in the Building Code? If so, why the difference? **This is consistent with the current code and works well.**

118) As indicated in the staff summary, Table 3-11 (on page 3-119) has a new category and parking requirement for "Food Service". But there is no such definition in Part 7 of the proposed Code. There is a definition of "Accessory Food Service" (on page 7-21) in the "E" definitions; and there is also a definition of "On Site Food Service" (on page 7-22), also in the "E" definitions. Which one is this parking requirement intended to apply to; and why is it so much lower than all the other requirements for eating and drinking establishments (other than Limited Take Out)? **We will clarify this.**

119) Also under Eating and Drinking Establishments (page 3-119), why is the Take Out with no seating requirement so much higher than Limited Take Out? Shouldn't it be the other way around? **The Take Out Service Only should be taken out.**

11-5-08

20.16.010 – Commercial Zoning Districts Land Uses and Permit Requirements

- A. **Allowed land uses.** Tables 2-4 and 2-5 indicate the uses allowed within each zoning district and the permit required to establish the use, if any, in compliance with Part 5 (Planning Permit Procedures).
- B. **Prohibited land uses.** Any table cell with “—” means that the listed land use is prohibited in that specific zoning district.
- C. **Applicable Regulations.** Where the last column in the tables (“Specific Use Regulations”) includes a Section number, the regulations in the referenced section apply to the use. Provisions in other Sections of this Zoning Code may also apply.
- D. **Uses to be conducted within an enclosed structure.** All uses allowed within the commercial zoning districts shall be conducted within an enclosed structure, unless allowed otherwise by a Conditional Use Permit or Minor Use Permit. PQ: Eating and drinking.

TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zoning Districts Permit Requirements *				
	P CUP MUP LTP ---	Permitted By-Right Conditional Use Permit (20.66.090) Minor Use Permit (20.66.090) Limited Term Permit (20.66.080) Not allowed *			
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	OA	OG	OM	OR	Specific Use Regulations
Industry, Manufacturing & Processing, Warehousing Uses					
Handicraft Industry	P	--	--	--	
Industry, Small (Less than 5,000 sq. ft.)	MUP	--	--	--	
Personal Storage (Mini Storage)	P	--	--	--	
Research and Development	PMUP?CUP?	Psame	Psame	P Same	
Recreation, Education, and Public Assembly Uses					
Assembly/Meeting Facilities (Less than 5,000 sq. ft.)	CUP	CUP	CUP	CUP	
Commercial Recreation and Entertainment	---	---	---	CUP	
Cultural Institutions	P	---	---	P	
Schools, Public and Private	CUP	CUP	---	CUP	
Schools, related to medical professions	MUP	MUP	MUP	MUP	
Retail Trade Uses					
Alcohol Sales (off-sale) PQ:	CUP?MUP	CUPMUP	CUPMUP	CUPMUP	20.60.030
Alcohol Sales (off-sale), Accessory Only	P_MUP?	P_MUP?	P_MUP?	P_MUP?	
Retail Sales (less than 10,000 sq. ft.)	PMUP?	MUP?P	PMUP?	PMUP?	
Retail Sales (10,000 sq. ft. or greater)	PCUP?	---	---	---	
Pharmacy, Medical Supplies	P	P	P	P	
Service Uses – Business, Financial, Medical, and Professional					
ATM's	P	P	P	P	
Convalescent Facilities	---	PMUP?	P_MUP?	---	
Emergency Health Facilities	P? MUP?	P_MUP?	P_MUP?	P_MUP?	
Financial Institutions and Related Services	P	P	P	P	

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**TABLE 2-4
ALLOWED USES AND
PERMIT REQUIREMENTS**

**Commercial Zoning Districts
Permit Requirements ***

P Permitted By-Right
CUP Conditional Use Permit (20.66.090)
MUP Minor Use Permit (20.66.080)
LTP Limited Term Permit (20.66.080)
--- Not allowed *

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Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	OA	OG	OM	OR	Specific Use Regulations
Hospitals	--	--	CUP	--	
Offices - Business	P	P	P	P	
Offices - Corporate	P	P	---	P	
Offices - Medical and Dental	P	P	P	P	
Offices - Professional	P	P	P	P	
Outpatient Surgery Facility	P	P	P	P	
Service Uses - General					
Adult-Oriented Businesses	CUP	--	--	--	MC 5.96 20.60.020
Ambulance Services	P	---	P	---	
Animal Sales and Services					
Animal Boarding/Kennels	P	---	--	CUP	20.60.050
Animal Grooming	P	MUP?	--	MUP?	20.60.050
Veterinary Services	P	CUP	CUP	CUP	20.60.050
Artists' Studios	P	P	---	P	
Catering Services	P	P	--	P	
Day Care - General (15 or more)	MUP CUP?	MUP CUP?	MUP CUP?	MUP CUP?	
Eating and Drinking Establishments. This section needs clarity, simplicity and a lot of work PQ:					
Accessory (open to public)	P	P	P	P	20.60.090
Bars, Lounges, and Nightclubs	CUP	---	---	CUP	20.60.090
Fast Food (no late hours) (1)(2)	MUP	MUP	---	---	20.60.090
Fast Food (with late hours) (1)	MUP	MUP	---	---	20.60.090
Food Service (no alcohol, no late hours) (1)(2)	MUP	MUP	MUP	MUP	20.60.090
Food Service (no late hours) (1)	MUP	MUP	MUP	MUP	20.60.090
Food Service (with late hours) (1)	CUP	CUP	CUP	CUP	20.60.090
Take-Out Service, Limited (2)	MUP	MUP	MUP	MUP	20.60.090
Take-Out Service Only (2)	MUP	MUP	MUP	MUP	20.60.090
Outdoor Dining - Accessory	MUP	MUP	MUP	MUP	20.60.090
Emergency Shelters	P MUP?	--- MUP?	--- MUP?	--- MUP?	20.60.100
Funeral Homes and Mortuaries, w/o crematorium	MUP	MUP	MUP	MUP	
Funeral Homes and Mortuaries, with crematorium	CUP	CUP	CUP	CUP	
Health/Fitness Facilities					
Small - 2,000 sq. ft or less	P	P	P	P	
Large - Over 2,000 sq. ft.	MUP	MUP	MUP	MUP	
Laboratories (Definition needs a size component; this would include Allergan.	P MUP? CUP?	P MUP? CUP?	P MUP? CUP?	P MUP? CUP?	
Maintenance and Repair Services	P	P	---	P	

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Commercial Zoning Districts Permit Requirements *						
TABLE 2-3 ALLOWED USES AND PERMIT REQUIREMENTS	P	Permitted By-Right				
	CUP	Conditional Use Permit (20.66.090)				
	MUP	Minor Use Permit (20.66.090)				
	LTP	Limited Term Permit (20.66.080)				
	---	Not allowed *				
Land Use See Part 7 for land use definitions. See Section 20.12.020 for unlisted uses.	CC	CG	CM	CN	CV	Specific Use Regulations
Industry, Manufacturing & Processing, Warehousing Uses						
Handicraft Industry	P	P	P	P	P	
Recreation, Education, and Public Assembly Uses						
Assembly/Meeting Facilities (above 1 st floor only)	CUP	CUP	CUP	CUP	CUP	
Commercial Recreation and Entertainment	CUP	CUP	CUP	CUP	CUP	
Cultural Institutions	P	P	MUP	--	P	
Schools, Public and Private	---	CUP	CUP	CUP	CUP	
Retail Trade Uses						
Alcohol Sales (off-sale)PQ:	MUP	MUP	MUP	MUP	MUP	20.60.030
Alcohol Sales (off-sale), Accessory Only	MUP?P	MUP?P	MUP?P	MUP?P	MUP?P	
Bulk merchandise	---	P	---	P	--	
Marine Rentals and Sales						
Boat Rentals and Sales	--	CUP	CUP	--	CUP	
Marine Retail Sales	P MUP?	P MUP?	P MUP?	--	P MUP?	
Retail Sales	P	P	P	P	---	
Visitor Serving Retail	P	---	---	---	P	
Service Uses - Business, Financial, Medical, and Professional						
ATM's	P	P	P	P	P	
Emergency Health Facility (above 1 st floor only)	MUP	MUP	--	--	MUP	
Financial Institutions and Related Services	P	P	--	P	P	
Offices - Corporate (above 1 st floor only)	P	P	P	P	---	
Offices - Business	P	P	P	P	P	
Offices - Medical and Dental	P	P	--	P	P	
Offices - Professional (above 1 st floor only)	P	P	P	P	P	
Outpatient Surgery Facility (above 1 st floor only)	MUP	MUP	P	---	---	
Service Uses - General						
Adult-Oriented Businesses	---	---	--	--	---	MC 5.96 20.60.020
Ambulance Services	---	MUP	--	--	---	
Animal Sales and Services						
Animal Boarding/Kennels	CUP	CUP	--	CUP	---	20.60.050
Animal Grooming	P	P	--	P	P	20.60.050
Animal Retail Sales	P	P	--	P	P	20.60.050

**TABLE 2-5
ALLOWED USES AND
PERMIT
REQUIREMENTS**

Commercial Zoning Districts

Permit Requirements *

P Permitted By-Right
CUP Conditional Use Permit (20.66.090)
MUP Minor Use Permit (20.66.090)
LTP Limited Term Permit (20.66.080)
--- Not allowed *

Land Use

See Part 7 for land use definitions.
See Section 20.12.020 for unlisted uses.

	CC	CG	CM	CN	CV	Specific Use Regulations
Veterinary Services	CUP	CUP	--	CUP	---	20.60.050
Artists' Studios	P	P	P	P	P	
Catering Services	---	P	P	P	P	
Day Care, General (15 or more)	MUP	MUP	--	MUP	MUP	
Eating and Drinking Establishments PQ: See Comment above.						
Accessory (open to public)	P	P	P	P	P	20.60.090
Bars, Lounges, and Nightclubs	CUP	CUP	CUP	CUP	CUP	20.60.090
Fast Food (no late hours) (1)(2)	MUP	MUP	MUP	MUP	MUP	20.60.090
Fast Food (with late hours) (1)	MUP	MUP	MUP	MUP	MUP	20.60.090
Food Service (no alcohol, no late hours) (1)(2)	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Food Service (no late hours) (1)	MUP	MUP	MUP	MUP	MUP	20.60.090
Food Service (with late hours) (1)	CUP	CUP	CUP	CUP	CUP	20.60.090
Take-Out Service, Limited (2)	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Take-Out Service Only (2)	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	20.60.090
Outdoor Dining - Accessory	MUP	MUP	MUP	MUP	MUP	20.60.090
Funeral Homes and Mortuaries, without crematorium	---	MUP	--	--	---	
Funeral Homes and Mortuaries, with crematorium	---	CUP	---	---	---	
Health/Fitness Facilities						
Small - 2,000 sq. ft. or less	P	P	P	P	P	
Large - Over 2,000 sq. ft.	MUP	MUP	MUP	MUP	MUP	
Laboratories	---	P	---	--	--	
Maintenance and Repair Services	---	P	---	P	--	
Marine Services						
Boat Storage	--	--	CUP MUP?	--	--	
Boat Yards	--	--	CUP MUP?	--	--	
Entertainment and Excursion Services	--	--	P	--	P	MC Title 17
Marine Service Stations	--	--	CUP	--	CUP	
Water Transportation Services	---	---	MUP	---	MUP	
Personal Services						
Massage Establishments	MUP	MUP	---	MUP	MUP	MC 5.50 20.60.120
Massage Services, Accessory	MUP	MUP	---	MUP	MUP	20.60.120
Nail Salons	P	P	---	P	P	
Personal Services, General. See Comment above.	P	P	---	P	P	
Studio	P	P	---	P	P	
Postal Services	P	P	---	P	P	
Printing and Duplicating Services	P	P	---	P	---	

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TABLE 2-8 ALLOWED USES AND PERMIT REQUIREMENTS	Mixed-Use Zoning Districts Permit Requirements				
	P	CUP	MUP	LTP	---
	Permitted By-Right	Conditional Use Permit (20.66.090)	Minor Use Permit (20.66.090)	Limited Term Permit (20.66.080)	Not allowed *
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-H1 MM	MU-H1 DW	MU-H4	Specific Use Regulations
Located on 1 st floor	---	P (1)(2)	P (1)	P (3)	20.60.130
Located above 1 st floor	P (1)	P (1)(2)	P (1)	P (3)	20.60.130
Two-Unit Dwellings					
Located on 1 st floor	---	---	---	P (3)	20.60.130
Located above 1 st floor	P (1)	---	---	P (3)	20.60.130
Home Occupations	P	P (1)	P	P	20.60.110
Live-work Units	P	P (1)(2)	P	P (3)	

TABLE 2-9 ALLOWED USES AND PERMIT REQUIREMENTS	Mixed-Use Zoning Districts Permit Requirements				
	P	CUP	MUP	LTP	---
	Permitted By-Right	Conditional Use Permit required (20.66.090)	Minor Use Permit required (20.66.090)	Limited Term Permit required (20.66.080)	Not allowed *
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-H1 MM	MU-H1 DW	MU-H4	Specific Use Regulations

Care Uses					
Adult Day Care					
Small (6 or fewer)	P MUP?	P MUP?	P MUP?	P MUP?	
Child Day Care					
Small (8 or fewer)	P MUP?	P MUP?	P MUP?	P MUP?	20.60.070
Day Care, General (15 or more)	---	MUP	---	MUP	
Retail Trade Uses					
Alcohol Sales (off-sale)PQ:			---		20.60.030
Alcohol Sales (off-sale) Accessory Only	MUPP	MUP	MUP	MUP	
Marine Rentals and Sales					
Boat Rentals and Sales	CUP	P	P	CUP	
Marine Retail Sales	P	P	P	P	
Retail Sales	P	P	P	P	
Service Uses - Business, Financial, Medical, and Professional					
Emergency Health Care	MUP	MUP	MUP	MUP	
Financial Institutions and Related Services	P	P	P	P	
Offices - Business	P	P	P	P	
Offices - Medical and Dental	P	P	P	P	
Offices - Professional (above 1 st floor only)	P	P	P	P	
Service Uses - General					
Animal Sales and Services					

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TABLE 2-9 ALLOWED USES AND PERMIT REQUIREMENTS					
Mixed-Use Zoning Districts Permit Requirements					
	P	Permitted By-Right			
	CUP	Conditional Use Permit required (20.66.090)			
	MUP	Minor Use Permit required (20.66.090)			
	LTP	Limited Term Permit required (20.66.080)			
	---	Not allowed *			
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-V	MU-H1 MM	MU-H1 DW	MU-H4	Specific Use Regulations
Animal Grooming	P	P	P	P	20.30.050
Animal Retail Sales	P	P	---	P	20.30.050
Veterinary Services	---	CUP	CUP	---	20.30.050
Artists' Studios	P	P	P	P	
Eating and Drinking Establishments					
Accessory (open to public)PQ:	P	P	P	P	20.60.090
Bars, Lounges, and Nightclubs	CUP Not allowed	CUP Not allowed	---	CUP Not Allowed	20.60.090
Fast Food (no late hours) (4)(5)	/MUP	MUP	---	MUP	20.60.090 Deleted: P
Fast Food (with late hours) (4)	MUP	MUP	---	MUP	20.60.090 Deleted: P/
Food Service (no alcohol, no late hours) (4)(5)	/MUP	MUP	---	/MUP	20.60.090 Deleted: P/
Food Service (no late hours) (4)	MUP	MUP	---	MUP	20.60.090 Formatted: Left
Food Service (with late hours) (4)	CUP	CUP	---	CUP	20.60.090 Deleted: P
Take-Out Service, Limited (5)	/MUP	MUP	---	/MUP	20.60.090 Formatted: Left
Take-Out Service Only (5)	MUP	MUP	---	MUP	20.60.090 Deleted: P/
Outdoor Dining - Accessory	MUP	MUP		MUP	20.60.090 Deleted: P
Health/Fitness Facilities					
Small – 2,000 sq. ft. or less	P	P	MUP	P	Formatted: Left
Large – Over 2,000 sq. ft	CUP	CUP	---	CUP	Deleted: P
Laboratories	---	---	P	---	Formatted: Left
Maintenance and Repair Services	P	P	---	P	Deleted: P/
Marine Services					Deleted: P
Entertainment and Excursion Services	P	P	---	P	MC Title 17 Formatted: Left
Marine Service Stations	CUP	---	---	---	Deleted: P/
Personal Services					Deleted: P/
Massage Establishments	MUP	MUP	MUP	MUP	MC 5.50 Deleted: P/
Massage Services, Accessory	MUP	MUP	MUP	MUP	20.60.120
Nail Salons	P	P	P	P	
Personal Services, General See Comments above.	P	P	P	P	
Studio	MUP	MUP	MUP	MUP	
Postal Services	P	P	P	P	
Printing and Duplicating Services	P	P	P	P	
Visitor Accommodations					
Hotels, Motels, and Time Shares	CUP	CUP	---	CUP	
Transportation, Communications, and Infrastructure Uses					
Parking Facility	MUP	MUP	MUP	MUP (2)	
Marinas	CUP	---	---	---	MC Title 17
Utilities	P	P	P	P	
Wireless Telecommunication Facilities	Municipal Code Chapter 15.70				

TABLE 2-10 ALLOWED USES AND PERMIT REQUIREMENTS		Mixed-Use Zoning Districts Permit Requirements		
	P CUP MUP LTP ---	Permitted By-Right Conditional Use Permit (20.66.090) Minor Use Permit (20.66.090) Limited Term Permit (20.66.080) Not allowed *		
Land Use See Part 7 for land use definitions. See Chapter 20.12 for unlisted uses.	MU-W1 MM (5)	MU-W2	Specific Use Regulations	
Animal Retail Sales	MUP	MUP	20.60.050	
Artists' Studios	P	P		
Eating and Drinking Establishments				
Accessory (open to public)	P	P	20.60.090	
Bars, Lounges, and Nightclubs PQ: See Comments above for all uses in this section	CUP	CUP	20.60.090	
Fast Food (no late hours) (3)(4)	P	P	20.60.090	
Fast Food (with late hours) (3)	MUP	MUP	20.60.090	
Food Service (no alcohol, no late hours) (3)(4)	P/MUP	P/MUP	20.60.090	
Food Service (no late hours) (3)	MUP	MUP	20.60.090	
Food Service (with late hours) (3)	CUP	CUP	20.60.090	
Take-Out Service - Limited (4)	P/MUP	P/MUP	20.60.090	
Take-Out Service Only (4)	P/MUP	P/MUP	20.60.090	
Outdoor Dining - Accessory	P	P	20.60.090	
Health/Fitness Facilities				
Small – 2,000 sq. ft. or less	P	P		
Maintenance and Repair Services	P	P		
Marine Services				
Boat Storage	CUP	CUP		
Boat Yards	CUP	CUP		
Entertainment and Excursion Services	P	P		
Marine Service Stations	CUP	CUP		
Water Transportation Services	P	P		
Personal Services				
Massage Establishments	MUP	MUP	MC 5.50 20.60.120	
Massage Services, Accessory	MUP	MUP	20.60.120	
Nail Salons	P	P		
Personal Services, General	P	P		
Visitor Accommodations				
Hotels, Motels, and Time Shares	CUP	CUP		
Transportation, Communications, and Infrastructure				
Parking Facilities	MUP	MUP		
Communication Facilities	P	P		
Heliports and Helistops	CUP	CUP		
Marinas	CUP	CUP	MC Title 17	
Utilities	P	P		
Wireless Telecommunication Facilities	Municipal Code Chapter 15.70			
Other Uses				
Accessory Structures and Uses	MUP	MUP		
Outdoor storage and Display	MUP	MUP		
Personal Property Sales	P	P	20.60.160	

**TABLE 3-11
OFF-STREET PARKING REQUIREMENTS**

Land Use	Parking Spaces Required
Animal Retail Sales	1 per 250 sq. ft.
Artists' Studios	1 per 1,000 sq. ft.
Catering Services	1 per 400 sq. ft.
Care Uses	
Adult Day Care – Small (6 or fewer)	Spaces required for dwelling unit only.
Adult Day Care - Large (7 or more)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit).
Child Day Care – Small (6 or fewer)	Spaces required for dwelling unit only.
Child Day Care - Large (9 to 14)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit).
Day Care - General (15 or more)	1 per 7 occupants based on maximum occupancy allowed per license.
Residential Care - General (7 to 14)	2 per site for drop-off and pick-up purposes (in addition to the spaces required for the dwelling unit).
Eating and Drinking Establishments	
Accessory (open to public)	1 per each 3 seats or 1 per each 75 sq. ft. of net public area, whichever is greater
Bars, Lounges, and Nightclubs	1 per each 4 PQ: This seems under 7 persons based on allowed occupancy load, 1 per each 75 sq. Ft. Of net public area, or as required by Conditional Use Permit
Food Service [New]	1 per 175 sq. ft. of PQ: net public area or gross area, including outdoor dining areas, but excluding the first 25% or 1,000 sq. ft. of outdoor dining area, whichever is less.
Food Service - Fast food	1 per 50 sq. Ft. PQ: net public area or gross area, and 1 per 100 sq. ft. for outdoor dining areas
Take-Out Service - Limited	1 per 250 sq. ft. ?
Take-Out Service Only - no seating	1 per 50 sq. ft. ?
Emergency Shelter	As required by Conditional Use Permit
Funeral Homes and Mortuaries	1 per 35 sq. ft. of seating area
Health/Fitness Facilities	
Small - 2,000 sq. ft. or less	1 per 250 sq. ft.
Large - Over 2,000 sq. ft.	1 per 200 sq. ft.
Laboratories (medical, dental, and similar)	1 per 500 sq. ft.
Maintenance and Repair Services	1 per 500 sq. ft.
Marine Services	
Boat Storage - Dry	0.33 per storage space or as required by Conditional Use Permit
Boat Yards	As required by Conditional Use Permit
Dry Docks	2 per dry dock
Entertainment and Excursion Services	1 per each 3 passengers and crew members
Marine Service Stations	As required by Conditional Use Permit
Sport Fishing Charters	1 per each 2 passengers and crew members
Water Transportation Services - Office	1 per 100 sq. ft., minimum 2 spaces

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- (2) Provide for daily removal of trash, from the premises and abutting sidewalks or alleys within 20 feet of the premises; and
 - (3) Remove graffiti within 48 hours of written notice from the City.
- c. **Security.** The review authority may require the eating and drinking establishment to provide security personnel and/or surveillance devices.
- d. **Sales training.**
 - 1. Owners, operators, PQ : vendors, and employees selling, serving, or giving away alcoholic beverages shall complete a certified training program in responsible methods and skills for serving and/or selling alcoholic beverages. A certified program shall meet the standards of a certifying/licensing body approved by the Department of Alcoholic Beverage Control.
 - 2. Records of each owner's, operator's, vendor's and employee's successful completion of the certified training program shall be maintained on the premises and shall be presented to a representative of the City upon request.
- e. **Posted conditions of approval.** The owner/operator shall maintain a copy of the most recent City permit conditions of approval on the premises and shall post them where they are readily viewable by an employee, customer, or representative of a governmental agency. The posted copy shall be signed by the permittee.
- f. **Public telephones.** Upon request of the Police Chief or as required by the ABC, a public telephone located on the premises or in an adjacent area under the control of the owner/operator shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.

2. **Development standards.**

- a. **Signs.** Signs shall comply with Chapter 20.54 (Signs). In addition, the following shall apply:
 - (1) Window signs shall not obstruct the view of the interior of the premises, (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.
 - (2) Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.
- b. **Site and floor plans.** The site and floor plans of an eating and drinking establishment that sells, serves, or gives away alcohol shall incorporate design features to reduce alcohol-related problems. The review authority may require the incorporation of preventive design features such as.

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openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of interior and exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior; and other safety features.

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- C. **Standards - late-hour operations.** To encourage appropriate patron conduct, the owner/operator of an eating and drinking establishment that sells, serves, or gives away alcohol shall post signs at clearly visible locations within the establishment and at both on-site and off-site parking areas under the owner/operator's control. The signs shall request patrons to keep noise to a minimum.
- D. **Standards - outdoor dining.**
1. **Public property.** Outdoor dining on public property shall comply with Municipal Code Chapter 13.18 (Use of Public Sidewalks for Outdoor Dining) and the standards of the Public Works Department.
 2. **Private property.** Outdoor dining on private property shall comply with the following standards:
 - a. **Barriers.** Appropriate barriers shall be placed between outdoor dining areas and parking, pedestrian, and vehicular circulation areas. Barriers shall serve only to define the areas and shall not constitute a permanent all-weather enclosure.
 - b. **Associated elements.** Physical elements (e.g., awnings, covers, furniture, umbrellas, etc.) that are visible from public rights-of-way shall be compatible with one another and with the overall character and design of the principal structure(s).
- E. **Standards - bars, nightclubs, and lounges.** Bars, nightclubs, and lounges shall comply with the standards in Subsections A-D, above. In addition, the structure in which the bar, nightclub, or lounge is located shall be adequately soundproofed so that interior noise is not audible beyond the property line with the doors and windows closed.
- F. **Permit requirements.**
1. **New permits.** Permits and licenses required by Municipal Code Title 5 (Business Licenses and Regulations) shall be obtained for new eating and drinking establishments, in addition to permits required by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards).
 2. **Amended permits.** An existing permit for an eating and drinking establishment shall be amended in the following circumstances:
 - a. **Substantial change.** When there is a substantial change in operation including any of the following:
 - (1) An application for, or a change in type of, retail liquor license from the Department of Alcoholic Beverage Control;

- (2) An increase in the floor area principally devoted to alcohol sales by 25 percent or more or by 250 square feet or more, whichever is less; or
 - (3) A reinstatement of alcohol sales after the ABC has revoked or suspended the existing ABC license for a period of longer than 30 days.
- b. **Objectionable conditions.** When the establishment is operated or maintained under objectionable conditions that constitute a public nuisance, including any of the following:
 - (1) A pattern of documented violations of the Municipal Code, the Penal Code, or other State statutes PQ: What about permit violations??; or
 - (2) A pattern of substantiated complaints of activity constituting evidence of a nuisance.
- 3. **Review criteria.**
 - a. **Late-hour operations.** When reviewing an application to allow late-hour operations, the review authority shall consider the following factors.
 - (1) The potential impacts of the late-hour operations upon adjacent residential uses and residents. For the purposes of this Subparagraph, "adjacent to residential" or "adjacent residential uses" shall mean within 100 feet of a residential use or zoning district as measured between the nearest property lines; Deleted: and
 - (2) Occupancy loads of the use;
 - (3) PQ: Crime stats
 - (4) other factors including.
 - b. **Outdoor dining.** When reviewing an application to allow outdoor dining, the review authority shall consider the relation of outdoor dining areas to sensitive noise receptors (e.g., places of worship, hospitals, schools, and residential uses). Mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise.
- 4. **Required findings.** In order to approve a new or amended permit for an eating or drinking establishment that will sell, serve, or give away alcohol, the review authority shall make the findings in Section 20.60.030 (Alcohol Sales – Off-Sale).
- 5. **Post-decision procedures.**
 - a. **Time limits.** Notwithstanding the time limits in Section 20.68.070 (Time Limits and Extensions), an approved permit for an eating or drinking establishment that will sell, serve, or give away alcohol shall expire within

20.60.030-- Alcohol Sales – Off-Sale [Revised]

The purpose of this Section is to preserve a healthy and safe environment for residents and businesses by establishing a set of consistent standards for the safe operation of retail alcohol sales establishments. It is recognized that hospitality, entertainment, recreation and related businesses are a significant part of the City's economy, and that alcoholic beverage sales are important to the operation of these businesses. It is also recognized that alcohol abuse can create environments that jeopardize the continued success of these businesses and seriously affect the health, safety, and general welfare in surrounding areas, particularly residential neighborhoods.

This Section is intended to prevent alcohol-related problems (e.g., driving under the influence, alcohol abuse, assaults, domestic violence, public inebriation, littering, loitering, obstruction of pedestrian traffic, noise, traffic violations, illegal parking, interference with children on their way to and from school, interference with shoppers using the streets, defacement and damaging of public and private property, etc.). This Section provides a set of additional tools to reduce the costly and harmful effects of irresponsible alcohol sales and consumption on local businesses, residents, law enforcement, medical care, and educational, preventive, treatment and rehabilitation resources.

A. Operating standards.

1. **Alcohol consumption on premises prohibited.** Consumption of alcoholic beverages inside a retail alcohol sales establishment, outside the building, or elsewhere outside on the premises shall be prohibited.
2. **Sales activities.** Alcoholic beverages shall not be sold:
 - a. Outside the exterior walls of the alcohol sales establishment;
 - b. From drive-up or walk-up service windows; or
 - c. To persons in watercraft.
3. **Litter and graffiti.** The owner/operator shall:
 - a. Maintain the exterior of the premises, including signs and accessory structures, free of litter and graffiti at all times;
 - b. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises ; and
 - c. Remove graffiti within 48 hours of written notice from the City.
4. **Security.** The City's review authority may require the alcohol sales establishment to provide security personnel, security programs, and/or surveillance devices.

5. Sales training.

- a. **Personnel.** Owners, operators, vendors, and employees selling alcoholic beverages shall complete a certified training program in responsible methods and skills for serving and/or selling alcoholic beverages. A certified program shall meet the standards of a certifying/licensing body approved by the Department of Alcoholic Beverage Control.
- b. **Records.** Records of each owner's, operator's, vendor's and employee's successful completion of the certified training program shall be maintained on the premises and shall be presented to a representative of the City upon request.

6. **Outdoor storage.** The outdoor storage of boxes, equipment, materials, merchandise, and other similar items shall be prohibited.

7. **Posted conditions of approval.** The owner/operator shall maintain a copy of the most recent City permit conditions of approval and operating standards on the premises and shall post them where they are readily viewable by an employee, customer, or representative of a governmental agency. The posted copy shall be signed by the permittee.

8. **Public telephones.** Upon request of the Police Chief or as required by the ABC, a public telephone located on the premises or in an adjacent area under the control of the owner/operator shall be equipped with devices or mechanisms that prevent persons from calling into that public telephone.

B. Development standards.

1. **Signs.** Signs shall comply with Chapter 20.54 (Signs). In addition, the following shall apply:

- a. Window signs shall not obstruct the view of the interior of the premises, (e.g., sales counter, cash register, employees, customers, etc.) from the exterior.
- b. Loitering, open container, and other signs specified by the Alcoholic Beverage Control Act shall be posted as required by the ABC.

2. **Site and floor plans.** The site and floor plans of an alcohol sales establishment shall incorporate design features to reduce alcohol-related problems. The review authority may require the incorporation of preventive design features such as ~~(e.g.,~~ openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of interior and exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior; and other such features, etc.).

C. Permit requirements.

1. **New permits.** Permits and licenses required by Municipal Code Title 5 (Business Licenses and Regulations) shall be obtained for new alcohol sales establishments, in addition to permits required by Part 2 (Zoning Districts, Allowable Land Uses, and Zoning District Standards).
2. **Amended permits.** An existing permit for an alcohol sales establishment shall be amended in the following circumstances:
 - a. **Substantial change.** When there is a substantial change in operation including **any** of the following:
 - (1) A change in type of retail liquor license from the Department of Alcoholic Beverage Control;
 - (2) An increase in the floor area or shelf space principally devoted to alcohol sales by 25 percent or more or by 250 square feet or more, whichever is less; or
 - (3) A reinstatement of alcohol sales after the ABC has revoked or suspended the existing ABC license for a period of longer than 30 days.
 - b. **Objectionable conditions.** When the establishment is operated or maintained under objectionable conditions that constitute a public nuisance, including **any** of the following:
 - (1) A pattern of documented violations of the permit conditions, Municipal Code, the Penal Code, or other State statutes; or
 - (2) A pattern of substantiated complaints of activity constituting evidence of a nuisance.
3. **Required findings.** In order to approve a new or amended permit for an alcohol sales establishment, the review authority shall find that the use is consistent with the purpose and intent of this Section. This finding shall be in addition to the findings required by Section 20.66.090 (Conditional Use Permits and Minor Use Permits). In making the required finding, the review authority shall consider the following:
 - a. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.
 - b. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.
 - c. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.
 - d. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.
4. **Post-decision procedures.**

- a. **Time limits.** Notwithstanding the time limits in Section 20.68.070 (Time Limits and Extensions), an approved permit for an alcohol sales establishment shall expire within 12 months from the date of approval unless the California Department of Alcoholic Beverage Control issues or transfers the ABC license before the permit expiration date.
- b. **Extension of time.** The review authority may grant a time extension for a permit for an alcohol sales establishment for a period not to exceed 12 months. An application for a time extension shall comply with Section 20.68.070 (Time Limits and Extensions).
- c. **Revocation.** The review authority may revoke a permit for an alcohol sales establishment, upon making **one or more** of the following findings in addition to the findings required in Subsection 20.82.050.B (Revocations or changes):
 - (1) The establishment is being operated in an illegal or disorderly manner.
 - (2) Noise from the establishment violates Section 20.30.070 (Noise).
 - (3) The establishment fails to fully comply with the rules, regulations, and orders of the California State Department of Alcoholic Beverage Control, including a violation of, or failure to maintain, a valid ABC license.
 - (4) The establishment fails to fully comply with all permit conditions, City regulations, the City Municipal Code and any other local regulations.
- d. **Discontinuance.** A permit for an alcohol sales establishment shall lapse if the use is discontinued for 90 consecutive days or if the ABC license for the establishment is revoked or transferred to a different location.